

## **EXHIBIT 8**

**From:** Gene Paige  
**Sent:** Tuesday, April 10, 2012 9:59 PM  
**To:** 'Muino, Daniel P.'  
**Cc:** Christa Anderson; Reid P. Mullen; 'Peters, Marc D.'; 'Swoopes, Roman A.'; 'Chen, Christina'  
**Subject:** RE: Oracle/Google: Discussion of open issues  
**Attachments:** Excerpts of Tr Ex 2879.zip

Dan:

Thank you for your email.

Following up on our call of last night, I can confirm that Google does not have an objection in principle to creating new exhibits that are excerpts of documents that were previously on the exhibit list. I would appreciate it if you would send copies of the excerpted documents in the form in which you intend to use them, so that we can confirm that we do not have an objection to the specific manner in which the excerpting has been done. As discussed last night, Google also intends to excerpt materials from exhibits already on the list; in that regard, I have attached an excerpted copy of Tr. Ex. 2879, and would ask for your confirmation that Oracle does not object to this excerpt being placed on the list. Google may also seek to prepare excerpts of Tr. Ex. 2718. Finally, we have found a few typos with the exhibit list that we will send your way.

With respect to Oracle's request to add three new exhibits to the list (a, b, and c in your point 1 below), Google cannot agree to add them to the exhibit list now, less than a week before trial. Many of those exhibits were available to Oracle for six months or more at the time the exhibit lists were exchanged. Oracle chose not to put them on the list at that time. I understand that others of the exhibits that Oracle is asking to add to the list have not even been produced in the case. Accordingly, Google cannot agree to have them, or excerpts from them, added to the list at this late date.

Please feel free to call me if you'd like to discuss this further.

Regards,  
Gene

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**From:** Muino, Daniel P. [mailto:DMuino@mofo.com]  
**Sent:** Monday, April 09, 2012 7:00 PM  
**To:** Gene Paige  
**Cc:** Christa Anderson; Reid P. Mullen; Peters, Marc D.; Swoopes, Roman A.; Chen, Christina  
**Subject:** FW: Oracle/Google: Discussion of open issues

Gene: Are you available this evening or tomorrow morning to discuss the exhibit list? In particular, we'd like to discuss the following:

(1) Currently on the exhibit list we have a set of Android code that Google produced in July 2011. For sake of completeness and ease of presentation, we'd like to add (a) separate exhibits breaking out important code files in Tiff form (from Google's April 2011 production), (b) the set of Android code that Google produced in Feb. 2011, and (c) a set of Android code more recently downloaded from Google's repository. We'll send you a list of what we have in mind.

(2) Timing for submitting the corrected exhibit list.

Dan

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**From:** Muino, Daniel P.  
**Sent:** Monday, April 09, 2012 6:41 PM  
**To:** 'Christa Anderson'; 'DALVIK-KVN'; [dalvik-KS@KSLAW.com](mailto:dalvik-KS@KSLAW.com); [GT\\_Google@gtlaw.com](mailto:GT_Google@gtlaw.com)  
**Cc:** [Oracle-Google@BSFLLP.com](mailto:Oracle-Google@BSFLLP.com); Oracle MoFo Service List  
**Subject:** Oracle/Google: Discussion of open issues

Hi Christa,

Following up on our call, we'd appreciate Google's thoughts on the following issues:

1. Per Judge Alsup's guidelines, deposition designations must be served at least 5 days before they're to be used in Court, and a combined packet of designations and counter-designations/objections must be submitted to the Court 2 days before they're to be used. The guidelines lack further details on timing. We propose that designations be served by 5pm five days before they're to be used; counter-designations and objections be served by 5pm two days later; and the final packet be submitted to the Court by 8am the following day (2 days before they're to be used).
2. We propose that experts on direct examination be permitted to testify regarding material covered in any of their reports (opening, opposition/rebuttal, and reply) on the subject for that trial phase.
3. We propose that the parties consider preparing a joint "cast of characters" (i.e., a list of key witnesses and other relevant people with short descriptions of each) to be distributed to the jury, along with the joint timeline.
4. We think it would be inappropriate for Google to reference at trial that Oracle had previously asserted other patents against Google that it has since withdrawn. To avoid the necessity of briefing this issue, will Google agree that such references should be excluded?
5. As you and I previously confirmed, the rolling witness lists should be good-faith disclosures of the next ten witnesses the parties anticipate calling, including witnesses to be presented by video.

I will contact Gene regarding exhibit issues and Michael Kwun regarding the glossary.

Thanks.

**Daniel P. Muino**  
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